

**ENTERED**

April 13, 2016

David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION

CARLOS MELO, JR.,  
Petitioner,

V.

UNITED STATES OF AMERICA,  
Respondent.

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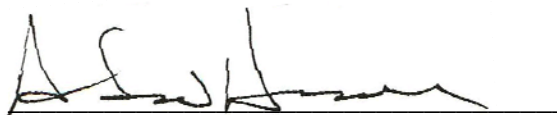
CIVIL ACTION NO. B-13-193  
CRIMINAL NO. B-12-303-4

**ORDER**

Pending is the Magistrate Judge's March 15, 2016, Report and Recommendation in the above-referenced cause of action. [Doc. No. 26] No objections have been lodged by either side and the time for doing so has expired.

Having reviewed the Report and Recommendation for plain error and having found none, it is the opinion of the Court that the Report and Recommendation is hereby adopted. Therefore, Carlos Melo's Motion to Vacate, Set Aside or Correct Sentence pursuant to 28 U.S.C. § 2555 [Doc. No. 1] is dismissed on the basis that Melo has waived his right to file the instant petition. Alternatively, it is denied as meritless. Further, the issuance of a Certificate of Appealability is denied.

Signed this 13<sup>th</sup> day of April, 2016.



Andrew S. Hanen  
United States District Judge